

Clinton Brown, *Self-Represented*
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Robina, QLD 4226, Australia
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310-487-6453

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CLINTON BROWN,

Plaintiff,

vs.

CLARK R. TAYLOR, AICP, THE LOS
ANGELES COUNTY DEPARTMENT OF
REGIONAL PLANNING

Defendant.

Case No. 2:22-cv-09203-MEMF-KS

**Request for Judicial Notice [No. 7]
Fed R. Evid. 201(c)(2)**

Judge: Honorable Maame Ewusi-Mensah
Frimpong

Magistrate Judge: Karen L. Stevenson

NOTICE TO THE COURT,¹ the Plaintiff incorporates by reference all previous Requests for Judicial Notice that have *not* been considered by the Court, even though, the Court “must take Judicial Notice if a party requests it *and* the Court is supplied with the necessary information.” *See* Rule 201(c)(2) & ECF Nos. 59, 75, 89, 114, 157, 163.

Fed. R. Evid. 201(a) states, “This rule governs Judicial Notice of an adjudicative fact only, *not* a legislative fact.” Adjudicative facts are facts about the particular parties to the controversy, their activities, their property, and their interests. Facts which help answer who did what, when, where, why, how, and with what motive and intent are *all* adjudicative. *See* Fortunata Giudice & C. W. Kraft, *The Presently Expanding Concept of Judicial Notice*, 13 Vill. L. Rev. 533 (1968). Thus, “[t]aking Judicial Notice does not import that the matter is indisputable. It is not necessarily

¹ The expression "to take notice of" anything, in our ordinary popular phraseology, imports observing *or* remarking it. In the legal language of to-day to "take notice" has a meaning correlative to that of giving notice; namely, that of a man's accepting *or* charging himself with a notification, *or* with the imputation of knowledge of a thing. But the import of the legal expression "to take judicial notice," as indicating the recognition without proof of something as existing *or* as being true, seems traceable rather to an older English usage. The word "notice" was formerly often used interchangeably with knowledge, and with [the] legal term "conusance." *See* James Bradley Thayer, *A Preliminary Treatise on Evidence at the Common Law* 278 n.1 (Little, Brown & Co. 1898); *See also*, John T. McNaughton, *Judicial Notice--Excerpts Relating to the Morgan-Wigmore Controversy*, 14 Vand. L. Rev. 779, 782 n.5 (1961).

anything more than a *prima facie* recognition, leaving the matter still open to controversy.” See Thayer at 308. *In other words*, on its face the “public nuisance” letter [ECF No. 171 at 6] is (1) *generally* known within the trial Court’s territorial jurisdiction; *or*² (2) can be accurately and readily determined from source[s] whose accuracy cannot reasonably be questioned. For example, it is *generally* known that if a property owner does not “clear weeds” on their property according to the County’s Municipal Code then the Government will *generally* send the owner a “public nuisance” letter to require compliance. In any event, the Government can readily verify *or* disprove such letter(s).³

As for the contents, it is *generally* known that the Government cannot make a profit from abating a “public nuisance” and it is also *generally* known that the Government can recoup its abating costs from the property owner. But *why* does the Government charge \$37,414 on May 18, 2023, and charge \$3,500 on July 17, 2024, for the *same* “public nuisance?” The Plaintiff can attest to the Court that he did not “clear weeds” on his property, except for the installation of the illegal sign. See ECF Nos. 89 & 114. The illegal sign takes up only 156 square feet on the property...in contrast to the property’s 1,193,544 square feet of *locus*. Lest we forget, the Plaintiff cannot take up *any* square feet on his property.⁴

Last, the Plaintiff’s private property cannot be subject to such an abuse of power as the Government has imposed upon it. In our Nation’s Constitutional order, Los Angeles County, California has the *same* legal position as Loving County, Texas...*and no more*. Both must yield to the *same* Federal Constitution. That is *why* we have Federal Courts to say what the law is. *Say it.*

² In this RJN, “*and*” works just as well. Cf. *Ohio Bell Tel. Co. v. Comm’n*, 301 U.S. 292, 301-302 (1937).

³ “Practical convenience and good sense demand an increase rather than a lessening of the number of instances in which courts shorten trials, by making *prima facie* assumptions, not likely, on the one hand, to be successfully denied, and, on the other, if they be denied, admitting readily of verification *or* disproof.” See Thayer at 300.

⁴ It is on record with this Court that the Plaintiff is prohibited from using his private property for residential purposes, despite the property encompassing a total of 1,193,544 square feet. See ECF No. 145 at 6 & n. 9. (“[T]he County does not allow Brown to live on *or* develop housing on the Agoura Property. Counsel for [the Government] confirmed as such at the hearing, stating that the relevant County Ordinance prohibits *any* improvements to the Agoura Property, and does not only prohibit solar farms. The Court finds that this statement essentially moots the second form of relief Brown seeks here—a request that the [G]overnment clarify whether Brown may live on the Agoura property.”) (alterations & emphasis added). It is *generally* known that 0 square feet is zero square feet.

THEREFORE, the Court must take Judicial Notice of ECF Nos. 59, 75, 89, 114, 157, 163 & 171.

Respectfully Submitted,

/s/ Clinton Brown, Self-Represented
14 University Drive
Robina, QLD 4226, Australia
clinton@atlasinc.solar
310-487-6453

CC: All Counsel of Record (via ECF) on July 24, 2024



Clinton Brown <clinton@atlasinc.solar>

Copy of Certified Letter

1 message

Clinton Brown <clinton@atlasinc.solar>

Mon, Jul 22, 2024 at 5:28 PM

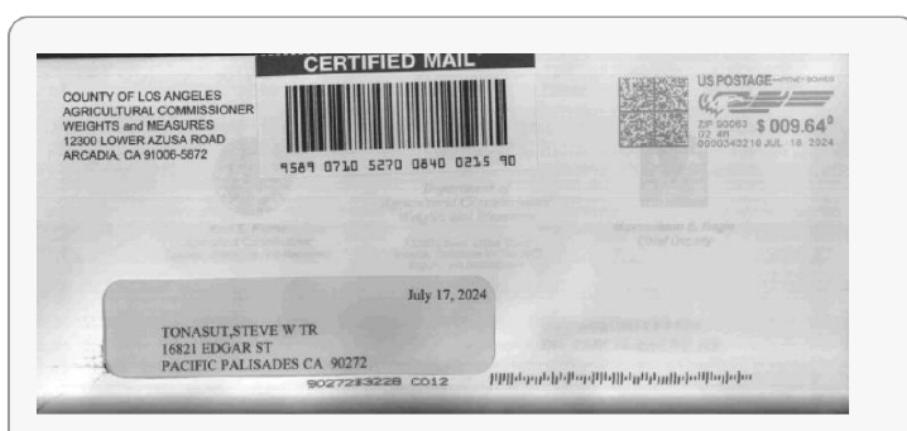
To: wm@acwm.lacounty.gov

Bcc: Erick Ordaz <erick@atlasinc.solar>, Teresa Brown <teresa@atlasinc.solar>

Hi,

Can you please email a copy of this certified letter or tell me how I can view it? I'm out of the country and cannot receive it. Attached is the documentation that I own The Atlas, LLC.

Thank you,



Clinton Brown

CEO, Atlas, Inc.

310-487-6453 | clinton@atlasinc.solar

www.atlasrei.co



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Clinton Brown <clinton@atlasinc.solar>

Att; Clinton Brown

1 message

Raelene Orozco <ROrozco@acwm.lacounty.gov>

Tue, Jul 23, 2024 at 9:53 AM

To: Clinton Brown <clinton@atlasinc.solar>

Cc: Annie Hua <AHua@acwm.lacounty.gov>, Henny Tanod <HTanod@acwm.lacounty.gov>

Hello,

Please see attachment of the Weed brush letter. Please let me know if you need anything else

Have a great day!

Raelene Orozco, ITC

County of Los Angeles

Department of Agricultural Commissioner/Weights and Measures

Weed Hazard & Integrated Pest Management Bureau

12300 Lower Azusa Road, Arcadia CA 91006

Email | Rorozco@acwm.lacounty.gov



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Kurt E. Floren
Agricultural Commissioner
Director of Weights and Measures

COUNTY OF LOS ANGELES

**Department of
Agricultural Commissioner/
Weights and Measures**

12300 Lower Azusa Road
Arcadia, California 91006-5872
<http://acwm.lacounty.gov>



Maximiliano E. Regis
Chief Deputy

July 17, 2024

THE ATLAS, LLC
16821 EDGAR ST
PACIFIC PALISADES CA 90272

**WEED/BRUSH LETTER
RE: PARCEL 2064-005-011**

Dear property owner:

Your property located at one lot south 27200 Agoura Road, Calabasas was found by inspection to contain a public nuisance. More specifically, the inspection revealed:

- 1. Combustible grass, weeds, or brush in violation of the Los Angeles County or City Fire Code
- 2. Rubbish, litter, trash, or debris
- 3. An accumulation of tumbleweeds

Sections 39560-39588 of the California Government Code, and Sections 13879 and 14875-14922 of the California Health & Safety Code, authorize the County to identify, and cause to be abated, certain public nuisances like the ones listed above. It is requested that you remove/abate the public nuisance(s) existing on your property by July 30, 2024 or County crews may perform the work with the cost placed as an assessment on your tax bill. After the above deadline, abatement work by County crews may occur at any time. In order to abate the nuisance(s) and/or bring your property into compliance with the applicable fire code, you must Clear weeds up hillside heading east to provide 200 feet clearance for homes on Providence on the northeast corner of the lot clear 200 feet from the sheriff's station.

While the County is prohibited from making a profit from nuisance abatement work, it must recover all expenses incurred in performing this work. It is estimated that if County crews do the work, the charges will be approximately \$3,500.00.

Please remember that **your property needs to be maintained hazard free throughout the year**. This includes any hazardous regrowth of weeds, dry grass, etc., that develops after initial abatement. A diagram of the general clearance requirements is available on our website at <http://acwm.lacounty.gov>.

It is our goal to assist property owners to maintain their own properties whenever possible. If you desire additional information regarding this matter, please contact Inspector Mariela Garcia at (818) 833-6648 or by email at MGarcia@acwm.lacounty.gov.

Very truly yours,

KURT E. FLOREN
Agricultural Commissioner/
Director of Weights & Measures

ADRIAN ZAVALA
Deputy Director/Bureau Chief
Weed Hazard & Pest Management Bureau

TDD (626) 575-5520
FOR THE HEARING IMPAIRED

KEF:AZ:ro

If you suspect fraud or wrongdoing by a county employee, please report it to the County Fraud Hotline at 1-800-544-6861 or www.lacountyfraud.org/